

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	James B. Moran	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	01 C 399	DATE	1/3/2002
CASE TITLE	Stephen Assam vs. Elizabeth Patricia Assam etc. et al		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]


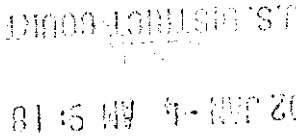

MOTION:

Memorandum Opinion and Order

DOCKET ENTRY:

- (1) ☐ Filed motion of [use listing in "Motion" box above.]
- (2) ☐ Brief in support of motion due ____.
- (3) ☐ Answer brief to motion due _____. Reply to answer brief due ____.
- (4) ☐ Ruling/Hearing on _____ set for _____ at _____.
- (5) ☐ Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (7) ☐ Trial[set for/re-set for] on _____ at _____.
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to _____ at _____.
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
☐ FRCP4(m) ☐ General Rule 21 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] Enter Memorandum Opinion and Order. Plaintiff moves for reconsideration of the December 11, 2001, Memorandum Opinion and Order. That motion is denied.

- (11) ☒ [For further detail see order attached to the original minute order.]

<input type="checkbox"/>	No notices required, advised in open court.			number of notices	
<input type="checkbox"/>	No notices required.			JAN 3 / 2002	
<input type="checkbox"/>	Notices mailed by judge's staff.			date docketed	
<input type="checkbox"/>	Notified counsel by telephone.			docketing deputy initials	
<input checked="" type="checkbox"/>	Docketing to mail notices.			date mailed notice	
<input type="checkbox"/>	Mail AO 450 form.			mailing deputy initials	
<input type="checkbox"/>	Copy to judge/magistrate judge.				

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

STEPHEN ASSAM,

Plaintiff,

vs.

ELIZABETH PATRICIA ASSAM-
METZLER and HARTLAND
MORTGAGE CENTERS, INC.,

Defendants.

No. 01 C 399

DOCKETED


JAN 07 2002

MEMORANDUM OPINION AND ORDER

Plaintiff moves for reconsideration of the December 11, 2001, Memorandum Opinion and Order. That motion is denied.

Plaintiff claims that he furnished exemplars to his prior attorney in the state court action, who apparently did not furnish them to defendant Metzler and then dismissed that case without plaintiff's knowledge or consent. Even if that is so, it does not change the result. How the state court action came to be dismissed was not the basis of the court's determination, although we do note that parties are normally bound by actions of their retained counsel. Plaintiff does not dispute that in the state court action he claimed he was the owner of the property, that he first claimed in the action here that he was the trustee of a resulting trust, and that he then wished to claim that he was the trustee of an express oral trust. Our reasons for denying that "third bite" were explained in the earlier ruling.

Jan 3, 2002.


JAMES B. MORAN
Senior Judge, U. S. District Court

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